



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,537	06/27/2001	Tatsuo Eguchi	209880US6PCT	3348

22850 7590 12/01/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

2424

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

12/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 09/720,537	Applicant(s) EGUCHI ET AL.	
	Examiner MICHAEL VAN HANDEL	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/10/2008 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 9/10/2008. Claims **15-30** are pending. Claims **15, 19, 23**, and **27** are amended. Claims **1-14** are canceled.

Response to Arguments

1. Applicant's arguments regarding claims **15, 19, 23**, and **27**, filed 9/10/2008, have been fully considered, but they are not persuasive.

Regarding claims **15, 19, 23**, and **27**, the applicant argues that Daniels does not disclose or suggest that any program table simultaneously displays a plurality of programs each with a respective unique request button for record reservation data. The examiner respectfully disagrees. Daniels discloses a system in which a user is provided access to a computer network source of program information and data instructions via an Internet modem connection. Daniels further discloses multiple Web page arrangements for displaying the program information for

Art Unit: 2424

user selection. Figure 23 shows the Web page that is displayed when a user navigates through the “day” option of column A. Column B pops up with a list of the days of the week. Columns C, D, and E pop up and the user makes the desired selections. Column F pops up with the program schedule information. Once the user selects a program, column G pops up with the option of recording the program with a VCR (p. 15, paragraph 150 & Fig. 23). As noted in the Office Action mailed 4/14/2008, a user must select a program button from Column F before they can select to record the program (p. 15, paragraph 150 & Fig. 23). Therefore, the program buttons 1-22 in Column F can be interpreted to be “request buttons for record reservation data,” as currently claimed. This meets the limitation of “displaying a plurality of programs with additional request buttons for record reservation data, such that each displayed program has a corresponding unique button for record reservation data simultaneously displayed with the respective displayed program,” as currently claimed. The examiner acknowledges Applicant’s argument that no reasonable interpretation would indicate the displayed programs themselves were also request buttons; however, the examiner respectfully disagrees. In order to record Guligan’s Island the user must select button (21) Guligan’s Island to select the record button. Applicant further states that the claimed “additional request buttons” distinguishes over Daniels; however, the examiner respectfully disagrees. Figure 23 illustrates a listing of programs, each of which has an associated button that is selected to get to Column G. The examiner interprets each of these associated buttons to be “additional request buttons” as currently claimed.

Further regarding claims **15**, **19**, **23**, and **27**, the examiner notes that Figures 24 and 25 also meet the limitations of the claims. Similar to Figure 23, Figures 24 and 25 require that the user click on a program in the grid prior to pressing the RECORD selected program button (Figs.

Art Unit: 2424

24, 25). As such, each of these buttons can be interpreted to be “additional request buttons for record reservation data, such that each displayed program has a corresponding unique button for record reservation data simultaneously displayed with the respective displayed program,” as currently claimed.

Still further regarding claims **15**, **19**, **23**, and **27**, the examiner notes that Figures 24 and 25 illustrate a plurality of record buttons (RECORD selected program, RECORD same program name for one week, and Record same program name every week). As such, the examiner interprets this as “a program table simultaneously displaying a plurality of programs with additional request buttons for record reservation data,” as currently claimed. The examiner further notes that the RECORD selected program button is unique from the RECORD same program name for one week button and the Record same program name every week button. As such, the examiner interprets the RECORD selected program button to be a unique button, as currently claimed. As such, the examiner maintains that this also meets the limitation of “each displayed program has a corresponding unique button for record reservation data simultaneously displayed with the respective displayed program,” as currently claimed.

Claim Objections

1. Claim **30** is objected to because of the following informalities:

Referring to claim **30**, the examiner notes that the preamble of the claim lacks antecedent basis. The preamble of claim 30 recites “[t]he computer readable medium apparatus according to claim 27”; however, claim 27 recites “[a] computer readable medium.” The examiner

Art Unit: 2424

recommends that the preamble of claim 30 be changed to “[t]he computer readable medium according to claim 27.”

Appropriate correction is required.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims **27-30** are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter.

Referring to claims **27-30**, the claims are directed towards a computer readable medium; however, the examiner notes that the specification defines that the medium can be the transmission medium for a program over a radio path from a downloading site through an artificial satellite for digital satellite broadcasting to the personal computer, or transmitted through a network, a local area network or Internet, so as to be stored in the enclosed hard disc in the personal computer (p. 56, paragraph 4 of Applicant’s specification). The examiner notes that a claim directed to a signal *per se* does not appear to be a process, machine, manufacture, or composition of matter. See **MPEP 2106.01** for guidance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2424

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **15, 16, 19, 20, 23, 24, 27, 28** are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels.

Referring to claims **15, 16, 19, 20, 23, 24, 27, and 28**, Daniels discloses an information processing apparatus/method, comprising a server configured to store a program table simultaneously displaying a plurality of programs with additional request buttons for record reservation data, such that each displayed program has a corresponding unique request button for record reservation data simultaneously displayed with the respective displayed program (p. 14, paragraphs 144, 145; p. 15, paragraphs 146, 150-152; & Figs. 19, 23-25); the server further configured to allow a user to select programs on the program table by selecting one of the respective request buttons for record reservation data on the program table corresponding to a respective program, the user accessing the server from a remote device through a network; and the server further configured to transmit record reservation data to the remote device of the user based on the user selections of the request buttons for record reservation data in the program table, the transmitted record reservation data for controlling the recording of a picture at the user remote device, and including data for specifying a channel, data indicating the date and time for starting the recording, and data (duration data) indicating the date and time for terminating the recording to a picture recording apparatus (p. 3, paragraphs 24, 25; p. 13, paragraphs 130, 131, 133-136; p. 14, paragraphs 140-146; p. 15, paragraphs 146, 150, 151; p. 17, paragraphs 165-168; & Figs. 7-11, 15-19, 23-26, 36, 37-41).

Art Unit: 2424

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **17, 18, 21, 22, 25, 26, 29, 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of vCalendar Specification, v0.4.

Referring to claims **17, 21, 25, and 29**, Daniels discloses the information processing apparatus/method according to claims 15, 19, 23, and 27, respectively. Daniels also discloses that a calendar scheduling application is operated depending on VCR control information (p. 13, paragraph 136). Daniels further discloses that VCR control information can be updated via email (p. 14, paragraph 140). Daniels does not disclose that the transmitted data is data of a v-calendar system. vCalendar specification, v0.4 discloses the use of the vCalendar format in point-to-point communication (p. 1, paragraph 4), where vCalendar data streams are created with a vCalendar Writer and are read with a vCalendar reader (p. 1, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Daniels to include the use of a vCalendar format, such as that taught by vCalendar Specification, v0.4 in order to collect and communicate PDI information across e-mail (p. 1, paragraph 2).

Referring to claims **18, 22, 26, and 30**, the combination of Daniels and vCalendar specification, v0.4 teach the information processing apparatus according to claims 15, 19, 23, and 27, respectively, wherein the transmitted data comprises text data including the information specifying the date and time of starting the recording, the recording start date and time specifying

Art Unit: 2424

information being stated next to the information indicating the start of the recording reservation data “BEGIN:VCALENDAR” (vCalendar Specification v0.4 p. 5, 2.2.1), “DTSTART:” (vCalendar Specification v0.4 p. 6, 2.1.2), the information specifying the date and time of end of recording, the recording end date and time specifying information being stated next to “DTEND:” (vCalendar Specification v0.4 p. 23, paragraph 2.3.11), the information specifying a channel for recording, the channel specifying information being stated next to “LOCATION:” (vCalendar Specification v0.4 p. 24, 2.3.15), the name of a program for recording, recorded next to “DESCRIPTION:” (vCalendar Specification v0.4 p. 6, 2.1.3) , and the information “END:VCALENDAR” (vCalendar Specification v0.4 p. 5, 2.2.1) indicating the end of the recording reservation data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2424

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2424

MVH